

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:)	
)	
TAMALA P. MOORE,)	CHAPTER 13 BANKRUPTCY
)	CASE NO. 00-51103-JDW
DEBTOR)	
)	
TAMALA P. MOORE,)	
PLAINTIFF)	
)	
VS.)	ADVERSARY PROCEEDING
)	NUMBER 01-5005-JDW
AUTO BROKERS,)	
)	
DEFENDANT)	

SCHEDULING ORDER

This matter having come on for a pre-trial and scheduling conference in accordance with Federal Rules of Civil Procedure (F.R.C.P.) 16, and the Court having consulted with the attorneys for the parties, IT IS ORDERED as follows:

1) **DISCOVERY:**

- (a) The parties shall complete all discovery on or before **Monday, June 4, 2001**. No extension of time will be granted except for good cause and upon a showing of diligence during the initial discovery period. The filing of motions shall not toll or extend the discovery deadline set forth in this paragraph. The conduct of any discovery which would require a later due date shall be permitted only on order of the Court.
- (b) Counsel shall attempt to resolve discovery controversies without the Court's intervention. The Court will entertain motions with regard to such matters only if counsel are unable to reach an accord after sincere attempts to resolve differences. Any motion filed shall include certification that such attempts have been made. Unless otherwise ordered by the Court, motions to compel discovery may not be filed after the close of discovery.

- (c) The combined total of interrogatories and requests for admissions from one party to another shall not exceed forty (40), including subparts.
- (d) At the earliest opportunity within the discovery period, each party shall submit to the opposing party a list of all expert witnesses anticipated to testify at trial. The list shall contain the name, address, and specialty of each expert. A copy of each expert's written report or a summary of their oral opinion shall be attached. The testimony of any expert as to whom there is no compliance with this provision shall be excluded at trial.

2) **MOTIONS:**

- (a) All motions and responses shall be served and filed within the time provided by the Local Rules, Bankruptcy Rules, the Federal Rules of Civil Procedure, and this Order. If a time is not specified, then the motion shall be served and filed on or before the deadline for the completion of discovery.
- (b) Motions for summary judgment shall be filed as promptly as possible, but, unless otherwise permitted by Court order, they shall not be filed later than twenty (20) days after the close of discovery.
- (c) In addition to any documents or matters permitted by the rules, motions for summary judgment shall be accompanied by a separate, short and concise statement of material facts as to which the moving party contends there is no genuine issue to be tried. The statement shall reference the appropriate source in the record of the relied upon material fact by page and paragraph number or other sufficient detail to permit the Court to readily locate and check the source. The party opposing the motion shall file and serve a like statement of the material facts as to which it is contested that there is a genuine issue to be tried. All material facts set forth in the Movant's statement will be deemed to be admitted unless controverted by the opposing party's statement.

3) **PRE-TRIAL STIPULATION:**

Within fifteen (15) days after the close of discovery, the parties shall confer, prepare, and file a joint statement which

shall include the following:

- (a) A statement that the parties have met and conferred in an attempt to settle the issues raised in this proceeding. The Court expects that counsel will carefully consider and confer with each other and the parties to determine whether some alternate dispute resolution procedure would aid the parties in settling the case. The statement filed pursuant to this paragraph should indicate whether either or both of the parties would like assistance from this Court in referring the case to an appropriate resolution advocate (neutral).
- (b) A stipulation reciting those material facts which are not subject to bona fide dispute.
- (c) A brief statement of the case.
- (d) A statement of each party of those factual matters upon which it relies, but which are in dispute.
- (e) A statement by each party setting forth the legal propositions upon which he relies together with citations of authority.
- (f) A list of any pending motions requiring resolution prior to trial.
- (g) A list of the names and addresses of all witnesses which shall be called, and may be called, including expert witnesses. Any objection to expert witnesses shall be separately set forth.
- (h) A list of all exhibits which are proposed for admission. Any exhibit which is subject to objection shall be so identified. Any such objection shall be briefly summarized by the opposing party with citations of authority.
- (i) A joint estimate of the amount of time necessary for a trial of the case.

4) **EXHIBITS:**

Prior to trial the parties shall have all exhibits to be used at trial marked for identification and shall provide a list of said exhibits to the Courtroom Deputy Clerk.

SO ORDERED this 3rd day of April, 2001.

JAMES D. WALKER, JR., Judge
United States Bankruptcy Court

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that a copy of the attached
and foregoing was mailed to the following:

J. Baker McGee, Jr.
P. O. Box 679
Waycross, GA 31502-0679

Franklin D. Hayes
P. O. Box 2377
Douglas, GA 31534

Sylvia Ford Brown
Chapter 13 Trustee
P. O. Box 10556
Savannah, GA 31412

This 3rd day of April, 2001.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court